

## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION ARE DESTRICT COMMANDED IN THE PROPERTY COMMANDED IN THE PROPERTY

u.s. district court Western district of NC

CIVIL NO. 3:10cv500-GCM

UNITED STATES OF AMERICA,	)
Plaintiff,	)
riainuti,	)
٧.	)
	) CONSENT ORDER FOR STAY
APPROXIMATELY \$564,313.47 IN	)
UNITED STATES FUNDS,	)
	)
Defendant.	, )

This matter is before the Court on a request by the government and Reginald Martin "claimant"), through counsel, that this civil forfeiture case be stayed pursuant to 18 U.S.C. §981(g), pending resolution of a related criminal investigation. The parties have agreed and represent to the Court, and the Court finds:

- 1. The defendant property was seized pursuant to seizure warrants issued on or about May 6, 2010, in No. 3:10mc60.
- 2. The government filed the complaint herein on October 7, 2010.
- 3. On October 7, 2010, the Clerk issued a warrant of arrest in rem.
- 4. On December 7, 2010, within the 120 days permitted by Fed. R. Civ. P. 4(m), the government served a copy of the complaint on claimant.
- 5. The government has advised claimant's counsel that a related criminal investigation is pending. The government and claimants agree that a stay of this case at this point will avoid both interference with the government's investigation and possible prejudice to claimant's Fifth Amendment rights.
- 6. The government and claimants have agreed that a stay should be without prejudice to claimants' rights to file a claim, answer, and/or any other pleading or responsive motion within the time permitted by the Rules of Civil Procedure, with the applicable time period to begin running from the date the stay is lifted. Counsel for claimants has filed or will file a notice of appearance herein, and both the government and claimants shall have the

right to file a motion to lift the stay at any time, and the non-moving party shall have the right to oppose such a motion.

IT IS THEREFORE ORDERED that this case is stayed until further order of the Court.

Signed this the 19th day of Janua

UNITED STATES DISTRICT JUDGE

ON MOTION OF AND BY CONSENT OF THE PARTIES:

UNITED STATES OF AMERICA

WILLIAM A. BRAFFORD

ASSISTANT UNITED STATES ATTORNEY

**NOELL TIN** 

ATTORNEY FOR CLAIMANTS

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